

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

NATHANIEL ISH,

Petitioner,

v.

JEFFREY A UTTECHT,

Respondent.

CASE NO. C12-6084 RBL-JRC

ORDER GRANTING A 90 DAY
EXTENSION OF TIME

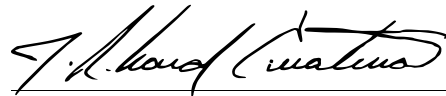
The District Court has referred this petition for a writ of habeas corpus to United States Magistrate Judge, J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4. Petitioner filed the petition pursuant to 28 U.S.C. § 2254.

Respondent asks the Court for a three month extension to file an answer (ECF No. 16). Petitioner opposes the motion (ECF No. 18). Respondent originally stated that there had been an error in ordering all the state court records. Respondent's counsel originally stated that his staff requested the remainder of the state court records when they discovered the error on March 15, 2013. (ECF No. 16). Respondent's counsel also asserts that he is co-counsel in another case and

1 that he anticipated petitioner in that case will file a writ of certiorari by April 15, 2013 (ECF No.
2 16). Respondent's counsel supplemented the motion for an extension of time. Respondent's
3 counsel states that the state court records have arrived. Further, the Supreme Court granted
4 petitioner in the other case an extension of time, until May 15, 2013, to file a petition for a writ
5 of certiorari. Yet respondent still requests the 90 day extension of time (ECF No. 17).

6 Petitioner opposes the motion and requested that the Court order the answer to be filed by
7 April 15, 2013 (ECF No. 18). The Court has considered the petition that was filed in this case. It
8 contains nine issues and the service document is a lengthy brief of well over two-hundred pages
9 (ECF No. 5). The delay in getting the state court record, coupled with the complexity of the
10 petition, is good cause for an extension of time. Respondent's counsel's involvement in another
11 case only exacerbates the situation. Given the complexity of this case, the Court GRANTS
12 respondent's request. The Court orders that an answer be filed on or before June 28, 2013.

13 Dated this 16th day of April, 2013.

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15 J. Richard Creatura
16 United States Magistrate Judge
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